

04-28-06

DAC  
TRW



[2345/97]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Bernd KOWALSKI et al.  
U.S. Filing Date : October 22, 1999  
U.S. Serial No. : 09/403,689  
For : ENCRYPTION METHOD AND DEVICE  
Art Unit : 2132  
Examiner : Kambiz Zand

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**MAIL STOP: PETITION**

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Sir:

Applicants hereby petition to revive the above-identified patent application since any abandonment of the application was unintentional by Applicants and improper by the Patent Office. The application was improperly abandoned by Examiner Zand via a Notice of Abandonment having mailing date of April 3, 2006. See, 37 C.F.R. §§ 1.191 (referencing 37 C.F.R. §§ 1.134 and 1.136) and 1.192. The Notice of Abandonment reads as follows:

Failure to respond to an advisory mailed on 11/28/2005.  
The final was mailed on 3/21/2005.

In the above-identified patent application ("the present application"), Applicants mailed a Notice Of Appeal on September 21, 2005 re the Final Office Action dated March 21, 2005. This Notice of Appeal was filed by the Patent Office on September 26, 2005, so that the two-month appeal brief filing date is November 26, 2005. That date of November 26, 2005, is effectively "automatically" extendable such that the present application would not go abandoned if an

Express Mail No. EV839712732US

appropriate Appeal Brief or RCE (or other appropriate response), Request to Extend, and attending fees, were paid on or before April 26, 2006. See, 37 C.F.R. §§ 1.191.

Applicants are filing today a Request for Continued Examination (RCE), an Amendment (as the required RCE submission), a Request To Extend, and payment of any and all applicable fees due (*thus*, effecting a timely filing). (Courtesy copy of the filing is attached hereto).

Accordingly, Applicants respectfully request that the Notice of Abandonment be withdrawn in light of its improperness and in light of Applicants' timely filing in the present Application.

No fees are believed due since the abandonment was improper on the part of the Patent Office. However, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayment in connection with any of the papers (including the petition fee) transmitted herewith, to Deposit Account No. 11-0600. A duplicate copy of this paper is enclosed for charging purposes.

Date: April 26, 2006

**CUSTOMER NO. 26646**

Respectfully submitted,

By:

R. L. Mayer

Richard L. Mayer Reg. No. 22,490  
KENYON & KENYON LLP  
One Broadway  
New York, NY 10004  
(Tel) 1-212-425-7200

By: [Signature]  
Reg. No. 47084